

United States District Court

Southern District of New York

No. 1:19-cv-02472-RA

GATEGUARD, INC.,*Plaintiff,*

-against-

MVI SYSTEMS LLC and SAMUEL TAUB,*Defendants.***Affidavit of Service**

FisherBroyles LLP.
 445 Park Ave. 9th Floor
 New York, NY 10022
 (646) 494-6909

Suffolk County, State of: New York, Dan Hamilton, being sworn says:

Deponent is not a party herein; is over the age of 18 years and resides in the State of New York

On April 4, 2019 at 11:50 AM at 1363 East 31st St. Brooklyn, NY 11210

Deponent completed conspicuous service of a true copy of the Summons and Complaint with Exhibit A and Order and Notice of Initial Conference attached.

On: Samuel Taub (herein after called the recipient) therein named.

Deponent further made prior diligent efforts to effect personal service upon the recipient at the above address to wit: 3/27/19, 10:02 AM; 4/1/19, 9:15 PM, 4/2/19, 4:08 PM; 4/4/19, 7:40 AM

During each attempt to serve, deponent went to the front door of the residence and rang the bell. On the attempts noted above on March 27th and April 2nd, there was no answer and deponent rang again and knocked several times. During the attempts noted on April 1st and April 3rd, a voice came over the intercom and asked deponent what he wanted. Deponent replied that he had said papers for the recipient. On April 1st, the voice replied that he wasn't home and nobody would come to the door and I should come back another time. On April 3rd when the voice asked deponent what he wanted and he replied, he received the response "I don't know who that is." Deponent replied that he had been here several times and that if nobody would accept said papers, he would have to tape them to the door to which the voice replied "okay" and deponent affixed said papers to the door with clear tape.

Deponent describes the door as oversized dark brown wood with four clear vertical windows and matching trim. There is a gold lever, handle and lockset on the right leg of the door with a keypad directly above it. There is mezuzah on the right side of the threshold, an intercom and mail slot on the wall to the right with another keypad directly above them. The surrounding area is light brown vinyl siding with an entrance light to the upper right of the door and security camera about a foot above it to the right. There is one gray cement step leading up to the door from the driveway and the door is setback approx. 60 feet from the sidewalk on the left side of the residence.

Deponent knows that the recipient is not in any military service whatsoever. In fact, the recipient owns said residence, actually lives at said residence and is owner of co-defendant, MVI Systems, which is located two blocks away and has their service address recorded with the New York State Department of State as the recipient's address above. Deponent also consulted ACRIS and other publicly mined data sources - including recent published interviews with the recipient, to affirm said statements.

Deponent further states that on April 5, 2019 at 11:55 AM, he deposited into the care and custody of the United States Post Office another true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the recipient at the above address via regular first class mail marked "personal and confidential" and with no indication on the outside of the envelope that the communication is from an attorney or concerns any legal action.

Sworn to before me on 4/9/19

Dan Hamilton
 Dan Hamilton, NYC DCA #1131952

Michael Daniel Sharp
 Notary Public, State of New York
 No.025H6261323
 Qualified in New York County
 Commission Expires 5/14/2020



Certificate of Mail

This Certificate of Mailing provides evidence that mail has been presented to USPS® for me.
This form may be used for domestic and international mail.

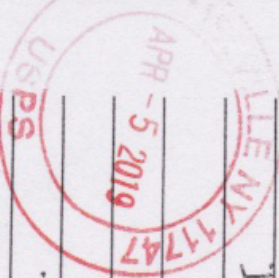
From:

FB
445 PARK AVE. 9th FL.
NY, NY 10022

To:

SAMUEL TAUB
1363 EAST 31st ST.
BROOKLYN, NY 11210

U.S. POSTAGE PAID
MELVILLE, NY
11747
APR 05, 19
AMOUNT
\$1.45
R2303S\$100893-05



PS Form **3817**, April 2007 PSN 7530-02-000-9065

"PERSONAL AND CONFIDENTIAL"

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

GateGuard, Inc.

Plaintiff(s)

v.

MVI Systems LLC;
Samuel Taub

Defendant(s)

Civil Action No. 1:19-cv-02472

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Samuel Taub
1363 East 31st St.
Brooklyn, NY, 11210

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ariel Reinitz
FisherBroyles, LLP
445 Park Avenue, Ninth Floor
New York, NY 10022
ariel.reinitz@fisherbroyles.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/21/2019

/s/ J. Gonzalez

Signature of Clerk or Deputy Clerk

